

Chapter

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Four

AN ACT RELATIVE TO VESSEL SAFETY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to protect the waterways of the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience._____

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 5 of chapter 21M of the General Laws, inserted by section 11 of chapter 251 of the acts of 2004, is hereby amended by inserting after the first sentence the following sentence; When operating in the waters of Buzzards Bay, a tank vessel shall travel only within the designated vessel route as appearing on the National Oceanic and Atmospheric Administration chart for Buzzards Bay, or as designated by the United States Coast Guard of unless special circumstances make travel outside a recommended vessel route necessary in order to avoid an imminent navigational hazard.

SECTION 2. Section 6 of said chapter 21M, as so appearing, is hereby amended by adding the following subsection:-

(d) Notwithstanding subsection (a) the commissioner may authorize a tank vessel carrying 6,000 or more barrels of oil to enter or transit any area of special interest without a tugboat escort, or, accompanied by a tugboat that does not meet the definition of a tugboat escort in section 1 of this chapter, where the department determines that such transit is warranted due to exigent circumstances. No such department authorization shall be construed to relieve or otherwise limit the liability of the owner or operator of a tank vessel for any release of oil, hazardous material, or hazardous waste that occurs while the tank vessel enters or transit an area of special interest without a tugboat escort. The commissioner may promulgate regulations to implement this subsection and shall

report on July 1, 2005 and annually thereafter to the joint committee on natural resources and agriculture on how many tank vessels transited an area of special interest without a tugboat escort as defined in section 1, the date and time of such transit, and why an exemption was made to the requirements established in subsection (a).

SECTION 3. Said section 6 of said chapter 21M is hereby amended by striking out subsection (d).

SECTION 4. Section 3 shall take effect on July 1, 2006

NOTE: For the Official Version of this Act please go to the State House Book Store.